

CIVIL ACTION NO. 05-5142 (RMB)(AMD)

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and Order of
the Court, that:

1. During trial, for any given witness only one lawyer for a party may examine that witness on direct, and only one lawyer from the opposing party may examine that witness on cross;

2. AstraZeneca will provide Ivax with a more detailed statement of the proposed trial testimony of Mario Cruz-Rivera (*see* Pretrial Order, Tab 3, p. 4), and will provide Dr. Cruz-Rivera for deposition within the confines of that statement at a time and place that is convenient for counsel and Dr. Cruz-Rivera;

3. If Ivax seeks to limit or preclude the trial testimony of Zahir Ladhani, Kathleen Sedgeley or John Sluk as being beyond the scope of AstraZeneca's Rule 26 initial disclosures, Ivax must do so by formal motion, filed by August 7, 2008;

4. Ivax withdraws its Fed. R. Civ. P. 26(a)(1)(A)(i) objections to AstraZeneca witnesses Bertil Andersson, Gerard O'Malley and Kathleen O'Conner Ververeli (*see* Pretrial Order, Tab 4, pp. 1, 4, 8-9);

5. AstraZeneca withdraws its Fed. R. Civ. P. 26(a)(1)(A)(i) objections to Ivax witnesses Corinne Hogan and Patricia Jaworski (*see* Pretrial Order, Tab 6, pp. 3-4);


6. A party seeking to prevent public disclosure of confidential information in the Pretrial Order may electronically file a redacted proposed Final Pretrial Order and a motion to seal the unredacted Final Pretrial Order, such motion to be filed no later than 9/15/08 and to be accompanied by a letter advising the Court that the opposing party does not object to the sealing and that both parties agree that the redacted material is confidential pursuant to the Protective Order in this matter; and

7. The parties shall appear before the Court for a conference to resolve any outstanding pretrial issues at such time as the Court directs after the September 23, 2008 oral argument.

AGREED TO AND STIPULATED BY:

Dated: August 13, 2008

By:



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Dated: August 12, 2008

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SO ORDERED:

Dated: 8/15/08


Honorable Ann Marie Donio
United States Magistrate Judge